



Legal Eagle

Keeping You Informed

USBC - District of Maryland

April 5, 2007

Credit Counseling or Financial Management?

The Credit Counseling Certificate and the Financial Management Certificate are often misconstrued as interchangeable, however they have two distinct purposes.



A Certificate of Credit Counseling is required in an individual debtor's case (11 U.S.C. sec. 109(h)). It certifies that they have received approved budget and credit counseling during the 180 day period preceding the filing of the petition. The certificate must be filed with the petition or within 15 days (F.R.B.P. 1007(b)(3) and (c)).

The Financial Management Certificate signifies that the debtor has received financial management education from an approved provider. In a chapter 7 case, the certification must be filed within 45 days of the first date for the 341 meeting of creditors. In a chapter 13 case, the certification must be filed before the last payment made under the plan or the date of the filing of the motion for a discharge (11 U.S.C. sec.1328(g)(1), F.R.B.P. 1007(b)(7) and (c)).

Portrait Unveiling

On April 16, 2007, a ceremony will be held to present a portrait of Judge E. Stephen Derby. The oil portrait, painted by the renowned artist Ned Bittinger of Santa Fe, New Mexico, was commissioned by the Bankruptcy Bar Association of the District of Maryland on the occasion of Judge Derby's retirement from full-time, active service. The Bar Association conducted fundraising for the portrait from former law clerks, colleagues and friends of the Judge. There will be an opportunity for admirers of Judge Derby to deliver videotaped greetings and remembrances to him by visiting the second floor conference room during the reception.

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Portrait continued

Judge Derby's portrait will adorn the walls of Courtroom 9C, the courtroom in which he presided in Baltimore from his investiture as a bankruptcy judge in 1987 to 2006.

ECF Emergency Pleadings Alert

The USBC for the District of Maryland has implemented a new procedure for electronically filing "Emergency Pleadings." [This Emergency Alert should only be used for Pleadings that require IMMEDIATE attention; i.e. Motions for Protective Order, Motions for Use of Cash Collateral, etc.] Immediately after submitting the Emergency Pleading, contact the Court by selecting the **Emerg** icon located on the ECF Toolbar.



After you fill in all the fields and submit your information, the message will be directed to the appropriate party for processing. There is no need for additional phone calls or e-mails to the Clerk's office. If your matter is determined **not** to be an emergency, it will not be treated as such and **you will not be notified**.

Spring Cleaning

Now that some of the dust from BAPCPA has settled, we are in the process of cleaning up the Party Filer Database and we are enlisting your help with its maintenance. A cleaner database streamlines your search.

There is a little known fact about creating and adding parties to CM/ECF: if your search locates your party with a different address, you can select it from the list and change the address without changing the original party or the original address. The address information will only change for that particular case. This method prevents an additional record from being added. Complete instructions (with screen shots) can be found in the CM/ECF User Manual on our Web Site.

Dear Point and Click



Dear Point & Click

I've recently had the attorney training.

I'm now e-filing my first voluntary petition and want to make sure I get this right. Can you tell me exactly what is needed with the voluntary petition and what other pleadings should be filed at the initial filing?

Novice in New Carrollton

Dear Novice:

Thank you for your letter. We would love to help. If you follow the list below, a case administrator will be able to review your case with little problems.

1. Voluntary Petition, Exhibit D, Notice to Individual Debtor, Statement of Financial Affairs, Summary of Schedules and Statistical Summary, Schedules A-J, Declaration Concerning Debtor's Schedules, Verification of Creditor's Matrix and Mailing Matrix, (**Chapter 11 only** - List of twenty (20) largest unsecured creditors, Equity Security Holders, Declaration Under Penalty of Perjury on Behalf of a Corporation or Partnership, Corporate Ownership Statement (Local Rule 7007-1) and Corporate Resolution of Corporate Debtor).
2. Social Security Verification Page (B21)
3. Certificate of Credit Counseling
4. Statement of Intent (**Chapter 7 only**)
5. Statement of Monthly Income
Form 22A (**Chapter 7**), Form 22C (**Chapter 13**) or Form 22B (**Chapter 11**)
6. Chapter 13 Plan (there is a separate event code for the Pre-Confirmation Certificate)
7. Disclosure of Attorney Compensation (even for \$0).
8. Application to Pay Filing Fee in Installment or Motion In forma Pauperis (**if applicable, Chapter 7 and 13 only**)
9. Application to Employ Attorney for the Debtor (**Chapter 11 only**)
10. Disclosure Statement (**Chapter 11 only**)
11. Upload creditors; you must then click the judge/trustee assignment button to obtain judge/trustee information.

Consult your attorney manual or call the appropriate case administrator to answer any questions you may have. The Court's website has a requirement list for each chapter. Click on Reference Library and then How to File.

Point & Click

Do you have questions you'd like to pose to other ECF users? Do you have any helpful hints or tips you use in your office that may help others? Please e-mail your tips or questions to:

pointandclick@mdb.uscourts.gov

We will post our answers in the newsletter, but if it's of a more urgent nature, we'll respond personally.

Internet Explorer Updates

(Excerpted from U.S. Bankruptcy Court, District of Utah)

Microsoft has released the latest version of Internet Explorer. This will usually come as an update to your Windows system, and you may be informed that the update is ready to be installed, or you may have your system set to update automatically.

The main question that will come up is "Can I use version seven with CM/ECF?" We've used IE7 by opening a new bankruptcy case, filing a motion, objecting to a motion, filing the creditor matrix, notice of appearance, and an electronic order. In filing those cases, we found that we could move through the individual events without a problem, just as we could with version 6. When we used the back button, we did get the white screen with the error message that the page had expired when the next page back was the document upload screen. Hitting the back button again took us to the document upload page and a blank upload field. You will need to reattach the document file and then use the next button on the bottom of the page from there.

Version seven, also now called Window Internet Explorer, requires Windows XP with Service Pack 2. The browser will be the standard browser included with Windows Vista (the replacement for XP).

**Local Rule Comments Due
April 13, 2007!**

Introducing...

The USBC Suggestion Box

Developed to help us help you. It is located on our internet homepage. The USBC Suggestion Box will be maintained by Ken Ridgeway, Acting Division Manager, and Maggie Ferere, Assistant Division Manager. Please visit our site! We welcome any and all suggestions!

